Appendix C-1

Filed 10/20/95

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

SANTA MONICA BEACH, LTD., Plaintiff and Petitioner,	No. SS005266
v.	~~PROPOSED~~ ORDER
SANTA MONICA RENT CONTROL BOARD, Defendant and Respondent.	SUSTAINING DEFENDANT'S DEMURRER TO CAUSE OF ACTION FOR INVERSE CONDEMNATION IN FIRST AMENDED COMPLAINT
DENNIS POWER, et al., Real Parties in Interest.	

The demurrer of defendant Santa Monica Rent Control Board to the first cause of action for inverse condemnation in plaintiff Santa Monica Beach, Ltd.'s First Amended Complaint for Inverse Condemnation and Petition for Writ of Administrative Mandate (CCP § 1094.5) came on regularly for hearing on July 27, 1995, at 1:30 p.m., before Honorable Alan B. Haber, Judge presiding, in Department B of the Los Angeles County Superior Court, West District, with appearances by counsel as follows: Nathan D. Schmidt appeared for plaintiff and Ralph H. Goldsen, staff attorney, appeared for defendant.

The Court, having read and considered the supporting and opposing papers, and having heard and considered supporting and opposing arguments, and good cause appearing therefore:

IT IS HEREBY ORDERED that the demurrer of defendant Santa Monica Rent Control Board to plaintiff's first cause of action for inverse condemnation be, and hereby is, sustained

without leave to amend. I find that plaintiff cannot cure the pleading defects. I find that the rational basis test applies to regulatory takings.

DATED: Oct 20 1995 .

ALAN B. HABER
ALAN B. HABER

Judge of the Superior Court

Submitted by:

JAMES S. BURLING, No. 113013
R. S. RADFORD, No. 137533
NATHAN D. SCHMIDT, No. 171990

Attorneys for plaintiff
SANTA MONICA BEACH, LTD.

Approved as to form:

DATED: October 23, 1995.

By /s/RALPH H. GOLDSEN
RALPH H. GOLDSEN
Staff Attorney

Attorneys for Defendant and
Respondent SANTA MONICA
RENT CONTROL BOARD